

Reges v. Cauce, et al.

Exhibit F
to Declaration of
Gabriel Walters

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STUART REGES,)	No.
)	
Plaintiff,)	2:22-cv-00964-JHC
)	
vs.)	
)	
ANA MARI CAUCE, et al.,)	
)	
Defendants.)	

Videotaped
Deposition Upon Oral Examination Of
NANCY ALLBRITTON

June 20, 2023
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1	E X H I B I T S		
2	NO.	DESCRIPTION	MARKED
3	30	December 8, 2021 email to Ed	38
4		Lazowska and others from Stuart Reges	
5	31	Email chain, top email January 4,	50
6		2022 to Aileen Trilles and others	
7		from Magdalena Balazinska	
8	32	January 5, 2022 email to Magdalena	77
9		Balazinska, and others, from	
10		Aileen Trilles	
11	33	Email chain, top email January 4,	81
12		2022 to Aileen Trilles and others	
13		from Magdalena Balazinska	
14	34	Email chain, top email to Magdalena	82
15		Balazinska and others, from Nancy	
16		Allbritton	
17	35	Email chain, top email March 25,	154
18		2022 to Heather Hoeksema, and others,	
19		from Lucia Ersfeld	
20	36	June 7, 2022 email to engr-chairs and	180
21		others, from Nancy Allbritton	
22	37	July 11, 2022 email to Louisa	183
23		Mackenzie, and others, from Nancy	
24		Allbritton	
25			

1	E X H I B I T S CONT'D		
2	NO.	DESCRIPTION	MARKED
3	38	Letter from Kayla Marie Shuster	190
4	39	March 2, 2022 letter to Teaching	192
5		Professor Stuart Reges from Magdalena	
6		Balazinska	
7	40	March 9, 2022 letter to Teaching	193
8		Professor Stuart Reges from Magdalena	
9		Balazinska	
10	41	Email chain, top email to Rickey L.	193
11		Hall, and others, from Magdalena	
12		Balazinska	
13	42	Email chain, top email March 28,	198
14		2022 to Nancy Allbritton, and others,	
15		from Heather Hoeksema	
16			
17	E X A M I N A T I O N		
18	BY	PAGES	
19	ATTORNEY WALTERS	7 - 202	
20			
21			
22	*****	(* Denotes phonetic spelling.)	
23			
24			
25			

1 Q. And the president of the University of
2 Washington is Ana Mari Cauce; correct?

3 A. That is correct.

4 Q. What are your job responsibilities?

5 A. I oversee the college of engineering with
6 respect to academics, finances, and administration.

7 Q. What is the Office of Minority Affairs and
8 Diversity at the University of Washington?

9 A. The office is a central unit. I don't know
10 all of their exact job duties. They oversee minority
11 affairs and diversity at the university.

12 Q. Are they at the university level, or within
13 the college of engineering, or something else?

14 A. They are at the university level.

15 Q. If I were to say the words "UW Central," what
16 does that mean to you?

17 A. It means the provost and president's offices.

18 Q. Is that what's referred to as "the leadership
19 team"?

20 A. I don't understand that question, because
21 there are many leadership teams.

22 Q. That's okay. Would you say the University of
23 Washington is somewhat decentralized?

24 ATTORNEY HOSP: Object to the form.

25 You can answer.

1 A. At the current time, no.

2 Q. The next sentence says, "While the syllabus
3 is the purview of the faculty and we respect academic
4 freedom, we are opposed to conduct that intentionally
5 creates a hostile environment in the classroom," and
6 it goes on. What does that mean, that "the syllabus
7 is the purview of the faculty"?

8 ATTORNEY HOSP: Objection to form.

9 You can answer.

10 A. Different faculty run their classes in
11 different manners, and they can select which manner
12 instructional delivery they choose.

13 Q. Including in their syllabi?

14 A. Excuse me?

15 Q. I believe you just testified that different
16 faculty can run their classes in different manners,
17 and they can choose which methods their instruction
18 follows. Something along those lines. Tell me if I'm
19 mischaracterizing your prior testimony.

20 A. That's correct.

21 Q. Can faculty choose the content of their
22 syllabi?

23 A. Many faculty have great flexibility, but it
24 should match the topic of the course.

25 Q. Do you review faculty syllabi ever?

1 A. The complaints indicate that there is a
2 challenge in the classroom environment, and it's my
3 opinion that if, if a student feels they're being
4 denigrated by a faculty member, they're going to
5 have -- be challenged to pay attention, to learn the
6 material, to get things done like they need to get
7 done.

8 Q. And student and staff complaints that you
9 refer to in this portion of the document, were those
10 in reaction to Stuart including his land
11 acknowledgment statement in his course syllabus?

12 A. Yes.

13 Q. The next bullet point says, "The direct
14 impact of the inclusion of the statement on your
15 syllabus on Native American members of the university
16 community, including for or example." And then it
17 says, "One Native American student feeling compelled
18 to take a leave of absence from the university."

19 Without tell me the name of the student,
20 do you know who that student is?

21 A. No, I do not know who that student is.

22 Q. How did that information come to you?

23 A. It was conveyed to me, it may have been the
24 oral report out of the SIC.

25 Q. It might have been, but you are not sure?

1 A. I'm pretty sure it was.

2 Q. Do you recall what the special investigating
3 committee found?

4 A. I don't recall the exact details.

5 Q. And do you know what the special
6 investigating committee based this conclusion upon?

7 A. I do not know the details of that.

8 Q. Did you ask them?

9 A. No, I did not, or I don't recall asking them.

10 Q. The next bullet point says, "One Native
11 American student feeling compelled to drop out of the
12 university." Was that a conclusion of the special
13 investigating committee?

14 A. I believe so.

15 Q. Do you have any independent knowledge of that
16 fact?

17 A. I do not, but I have no reason to doubt it.

18 Q. Do you know what the special investigating
19 committee based that conclusion upon?

20 A. I do not.

21 Q. Did you ask them?

22 A. I don't recall.

23 Q. The next bullet point says, "Multiple Native
24 American students expressing the view that the
25 inclusion of the statement on your syllabus made them

1 A. I don't recall other, other objections.

2 Q. And you've had an opportunity to review this
3 exhibit, and in fact, there is nothing other than
4 faculty, student, and staff complaints evidencing
5 disruption to the learning environment referenced in
6 this letter; correct?

7 ATTORNEY HOSP: Objection to the form.

8 A. I believe that is correct.

9 Q. Thank you. Turning to page 3 of this
10 exhibit, I'd like to ask you some questions about the
11 fifth bullet point, so I'll draw your attention to
12 that part of the document. And there are one, two,
13 three, four subbullet points. So can you see where I
14 am; correct?

15 A. Yes, I do.

16 Q. This is discussing directions that Director
17 Balazinska -- excuse me. This is discussing actions
18 that Director Balazinska took in response to Stuart's
19 inclusion of his land acknowledgment statement on his
20 syllabus and his refusal to remove that statement;
21 correct?

22 A. Yes, it is.

23 Q. And it says in the first subbullet that
24 Director Balazinska instructed the IT department to
25 take down the online version of the syllabus and

1 recall that; correct?

2 A. Yes.

3 Q. If Stuart had done none of those, what I'll
4 call them, "colloquially bad behaviors" and removed
5 the land acknowledgment statement, would that have
6 satisfied this third subbullet point that we're
7 looking at now?

8 A. Yes.

9 Q. And the last bullet point on this page says
10 that, "You agree that you will avoid any retaliation."
11 You see where I am; correct?

12 A. Yes.

13 Q. "Even the appearance of same"; correct?

14 A. Yes.

15 Q. Did you ever have any reason to believe that
16 Stuart Reges did retaliate against persons who
17 complained about his land acknowledgment statement?

18 A. No, I did not.

19 Q. Did you have any reason to believe that he
20 might retaliate against anyone who complained?

21 A. Not specifically, no.

22 Q. Did you have any reason to believe that
23 Stuart Reges would have created the appearance of
24 retaliation because of complaints?

25 A. No, I do not.

1 ATTORNEY HOSP: Objection. Calls for
2 hypothetical.

3 A. Then it would begin going up through the
4 process again, and then we'd follow the process.

5 Q. Is that a yes?

6 A. No. It's a begin. We would begin the
7 process, and we would follow the process, and it would
8 really depend on the outcome of the process.

9 Q. I haven't had an opportunity to visit the
10 University of Washington campus. Are there front
11 gates to the campus?

12 A. There are many, many different entrances to
13 the campus.

14 Q. If he stood outside one of the entrances to
15 the campus with a poster board with his land
16 acknowledgment statement and it caused disruption as
17 evidenced by student complaints, would he face a
18 Faculty Code Section 25-71 letter?

19 ATTORNEY HOSP: Objection. Calls for a
20 hypothetical.

21 A. If it did not disrupt the learning
22 environment in the course of delivery, then, no.

23 Q. I'm trying to understand, because it says
24 Stuart is free to continue to express his political
25 views in other ways and other venues that are not

1 disruptive to the academic mission of the university.

2 What are the limits to that statement?

3 ATTORNEY HOSP: Objection. Calls for a
4 hypothetical.

5 A. I mean, again, we just go down to, are the
6 students getting educated? Are they learning the
7 material? Is the environment of their classroom
8 acceptable so that they can move forward? And, you
9 know, there's many things he could do. If that's not
10 a problem, fine.

11 Q. If Stuart were to post on Reddit that, I
12 acknowledge that by labor theory of property the Coast
13 Salish people can claim historical ownership of almost
14 none of the land currently occupied by the University
15 of Washington, and students complained about his post
16 on Reddit, would that initiate a Faculty Code Section
17 25-71 process?

18 ATTORNEY HOSP: Objection. Calls for a
19 hypothetical.

20 A. Again, if it didn't disrupt the classroom and
21 the classroom environment and the ability of the
22 students to learn, the answer is no.

23 Q. But if it did, is the answer yes?

24 ATTORNEY HOSP: Objection. Calls for a
25 hypothetical.

1 A. Then we'd start the process again, and we'd
2 see what came out the end.

3 Q. So that's a yes?

4 A. It's not a yes or a no. I don't know what
5 would come out at the very end.

6 Q. How many student, faculty, or staff
7 complaints does it take to initiate a Faculty Code
8 Section 25-71 process?

9 A. Those complaints arise at the department
10 level, the chair director typically. So they're --
11 they use their judgment as to what is going on, the
12 number of complaints, and then they reach a decision.
13 There's no threshold number, to my knowledge.

14 Q. So one complaint could be enough in the
15 discretion of the director?

16 ATTORNEY HOSP: Objection. Calls for a
17 hypothetical.

18 A. It just depends on the content of the
19 complaint.

20 Q. If your employer sent you this letter, what
21 would you think?

22 ATTORNEY HOSP: Objection to form.

23 A. I would decide to do my job to the best of my
24 abilities and focus on educating the students and
25 giving them a great education.